

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

Ramon Aragon, *et al.*,

Defendants.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
& Canjilon Creek**

Subfile No. CHCJ-004-0036

**MOTION TO VACATE CONSENT ORDER
IN SUBFILE CHCJ-004-0036 AND FOR LEAVE
TO FILE NEW CONSENT ORDER**

COMES NOW the Plaintiff, State of New Mexico, *ex rel.* State Engineer, and moves the Court to issue its order vacating the Consent Order filed December 4, 2001, (Docket No. 6419) between Plaintiff State of New Mexico and Defendant ADAN MARTINEZ in subfile CHCJ-004-0036, and granting leave for the State and Defendant to file a new Consent Order concerning the Defendant's right to use the public waters of the Rio Chama Stream System. As grounds therefore the Plaintiff states:

1. The State and Defendant Adan Martinez signed and approved a Consent Order concerning Defendant's water rights under Subfile CHCJ-004-0036 based upon a boundary surrounding Defendant's land determined during preparation of the State's Hydrographic Survey for the Canjilon Creek subsection of the Rio Chama Stream System. Juanita and Sabino Salazar recently provided a warranty deed to the hydrographic survey staff that was filed in the Rio Arriba county clerk's office on April 27, 2001. That deed establishes that they own 0.3 acres that was originally included as the northeastern corner of Defendant Martinez' land under subfile CHCJ-004-0036. There is no dispute between the Defendant and the Salazars concerning the Salazars' ownership of the land described in the

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deed. As a result of this current information, the State's maps were corrected to show that the Defendant Martinez owns the land associated with new subfile CHCJ-004-0036A. The Salazars' property is now associated with subfile CHCJ-004-0036B.

2. Counsel for the State has contacted the Defendant concerning the substance of this motion, and Defendant does not oppose vacating the Consent Order filed December 4, 2001, and the entry of a new Consent Order based upon the correct mapping of Defendant's property.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to enter its order vacating the Consent Order filed December 4, 2001, (Docket No. 6419) and granting leave for the State and Defendant to file a new Consent Order concerning the Defendant's right to use the public waters of the Rio Chama Stream System.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Vacate Consent Order in Subfile CHCJ-004-0036 and for Leave to File New Consent Order was mailed to the following persons on March 28, 2002.


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